IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 23910 of 2004

Between:

P. Balakrishna, S/o. P. Subba Rao,
R/o. Santhi Nagar, Desaipeta, Vetapalem, Prakasam District.

.... PETITIONER

AND

1 The Superintendent of Police, Prakasam, Prakasam District.
2 The Sub Inspector of Police, Vetapalem Police Station, Chirala Circle, Prakasam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to close the Rowdy Sheet No.37 opened against the petitioner by the 2nd respondent by declaring that all the actions are violative of Article 19 (1) (d) of the Constitution of India and contrary to the Police Standing Order 742, and pass such other order or orders

Counsel for the Petitioner: MR.P.SRINIVASULU

Counsel for the Respondents: GP FOR HOME

The Court made the following order:

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ORDER:

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When the Rowdy Sheet No.37 was opened against the petitioner more than two cases were pending against him. Admittedly, no case is pending against the petitioner as on the date of filing of the counter on behalf of the respondents. It is stated that four cases were pending against the petitioner when the Rowdy Sheet was opened on 16.11.1997 and the same was being continued from time to time and it stands extended upto 31.12.2005. But on the date of filing of the counter i.e., 20.01.2005, no case is pending against the petitioner and all the cases filed against the petitioner ended in acquittal.

Under the Police Standing Orders 742, Rowdy Sheet can be opened against the persons who are habitual offenders involving a breach of peace; persons convicted or involved in more than two cases involving breach of peace and persons bound over under Sections 106, 107, 108 (c) and 110 (1) of Cr.P.C.

But all the cases filed against the petitioner ended in acquittal and therefore, it cannot be

said that the petitioner is a habitual offender. The continuation of Rowdy Sheet against the petitioner is illegal, violative of Article 19 (1) (d) of the Constitution of India and also contrary to the Police Standing Orders 742.

In view of the above, the writ petition is accordingly allowed as prayed for. No costs.

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V. ESWARAIAH, J

March 4, 2005

Dsk

Note: Furnish Copy by 07.03.2005

(B/o)

Dsk

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Friday the Fourth day of March Two thousand and Five.

To

1. The Superintendent of Police, Prakasam, Prakasam District.

2 The Sub Inspector of Police, Vetapalem Police Station, Chirala Circle, Prakasam District.

3 Two CCs to GP For Home, High Court Buildings, Hyderabad (OUT)

4 Two CD Copies